

This interpleader action involves Defendant Jean Bankett's (Bankett) entitlement to insurance benefits due under a group life insurance policy issued by Plaintiff and governed by the Employment Retirement Income Security Act of 1974. This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge regarding Defendants' American Funeral Financial, LLC's (American Funeral) and C&J Financial LLC's (C&J) (collectively Financial Firms) motion for attorneys' fees, ECF No. 57, and Bankett's motion for attorneys' fees, ECF No. 58. The Report suggests that Financial Firms' motion be granted in the amount of \$6,492.76 and that Bankett's motion be denied.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on November 22, 2016. ECF No. 65. Both Financial Firms and Bankett failed to file any objections to the Report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that Financial Firms’ motion for attorneys’ fees is **GRANTED** in the amount of \$6,492.76, and Bankett’s motion for attorneys’ fees is **DENIED**. Financial Firms’ award of \$6,492.76 is in addition to the disbursement of \$8,533.87 to American Funeral and \$3,757.73 to C&J. Any remaining balance should be disbursed to Bankett, including any interest accrued thereon while held by the court in an interest-bearing account.

**IT IS SO ORDERED.**

Signed this 14th day of December 2016 in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE